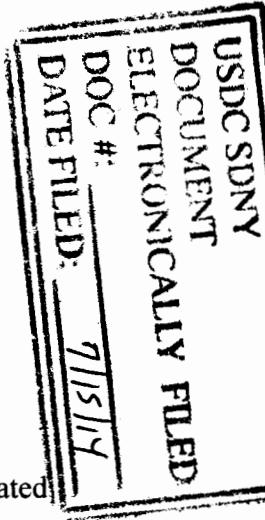


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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 NECA-IBEW HEALTH & WELFARE FUND, Individually and on Behalf of All Others Similarly Situated, Plaintiff, v. GOLDMAN, SACHS & CO., *et al.*, Defendants. ----- x

Case No. 08-CV-10783 (MGC)
**DEFENDANTS' NOTICE OF MOTION
TO DISMISS THE FOURTH
AMENDED CLASS ACTION
COMPLAINT**
 (ORAL ARGUMENT REQUESTED)



PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated April 18, 2014, and the accompanying Declaration of Matthew A. Peller, dated April 18, 2014, with attached exhibits, defendants Goldman, Sachs & Co., Goldman Sachs Mortgage Company, GS Mortgage Securities Corp., Kevin Gasvoda, Michelle Gill and Daniel L. Sparks (collectively, "Defendants") will move this Court, before the Honorable Miriam Goldman Cedarbaum, on July 3, 2014 at 10:00 a.m., or at such other time as the Court may order, in Courtroom 14A of the United States Courthouse at 500 Pearl Street, New York, New York 10007, for an Order dismissing in part the Fourth Amended Complaint in this action, pursuant to Federal Rules of Civil Procedure 12(b)(1), for lack of standing, and 12(b)(6), for failure to state a claim.

Motion to dismiss parts of the amended complaint granted in part and denied in part. For oral opinion, see record of proceedings.

So ordered.

July 10, 2014

s/

United States District Judge